

EXAMINER'S AMENDMENT

1. This action is responsive to the Amendment filed April 22, 2008 and the interview of June 16, 2008. Claims 12, 15, 16, and 18 were amended, and claim 19 added, by the Amendment of April 22, 2008. All of the pending claims (12, 15, 16, 18, and 19) are now allowed, subject to the examiner's amendment set forth below.
2. In accordance with 37 C.F.R. 1.126, allowed claims 12, 15, 16, 18, and 19 will be renumbered as claims 1-5, respectively. Original claim numbering is employed in the instant amendment.
3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Sara D. Vinarov on June 16, 2008.

4. Amend the claims as follows:

In claim 12, at line 7, after “if the expression” delete “pattern”.

In claim 15, at line 4, before “cytochrome” insert—a gene encoding--.

In claim 15, at line 4, before “stearoyl-CoA” insert—a gene encoding--.

In claim 15, at line 7, before “cytochrome” insert—the gene encoding--.

In claim 15, at line 7, before “stearoyl-CoA” insert—the gene encoding--.

In claim 16, at line 4, before “cytochrome” insert—a gene encoding--.

In claim 16, at line 5, after “expression pattern of” delete “a” and insert therefore—the--.

In claim 16, at line 6, before “cytochrome” insert—the gene encoding--.

In claim 18, at line 4, before “stearoyl-CoA” insert—a gene encoding--.

In claim 18, at line 5, after “expression pattern of” delete “a” and insert therefore—the--.

In claim 18, at line 6, before “stearoyl CoA” insert—the gene encoding--.

In claim 19, at lines 3-4, after “add1/SREBP” delete “, wherein the gene is expressed”.

In claim 19, at line 4, after “of the human;” insert—and--.

In claim 19, at line 5, delete “add1/SREBP of” and insert therefore—the gene encoding add1/SREBP in--.

In claim 19, at lines 6-7, delete “human’s add1/SREBP expression pattern compared to that of” and insert therefore—expression of the gene encoding add1/SREBP in the human as compared to--.

In claim 19, at line 7, after “susceptibility to obesity” insert—in the human--.

5. **Change the title of the application to:**

Methods of diagnosing susceptibility to obesity.

6. **Replace the abstract with the following new abstract:**

A gene expression pattern analysis has identified genes the expression patterns of which are different in adipose cells of obese individuals as compared to non-obese individuals. This information provides a mechanism for the genetic diagnosis of susceptibility to obesity.

Substance of the interview of June 16, 2008

7. On June 16, 2008, the examiner contacted applicant's representative regarding proposed amendments that would place the application in condition for allowance (which proposal was subsequently faxed to applicant's representative). The examiner noted that her suggestions were intended to further clarify the claimed invention in a manner consistent with the discussions held during the January 28, 2008 interview that included the examiner, applicant's representatives, and SPE Shukla. The examiner also proposed modifying the title and abstract to better reflect the subject matter of the claims being issued. Applicant's representative later contacted the examiner and agreed to the proposed amendments. Accordingly, claims 12, 15, 16, 18, and 19 are now allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diana B. Johannsen whose telephone number is 571/272-0744. The examiner can normally be reached on Monday through Friday, 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached at 571/272-0735. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Diana B. Johannsen/
Primary Examiner, Art Unit 1634